

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 12, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LaDONNA HAVILAND,

Plaintiff,

v.

ETHICON, INC., ETHICON LLC, and  
JOHNSON & JOHNSON,

Defendants.

No. 4:20-cv-05066-SMJ

**ORDER DISMISSING CASE**

On August 11, 2020, Plaintiff's counsel filed a Suggestion of Death noting the death of Plaintiff LaDonna Haviland on or about October 2019, during the pendency of this action. ECF No. 65. The parties filed a Stipulated Motion to Stay Proceedings, ECF No. 66. In that motion, the parties agreed that if Plaintiff's counsel had not moved to substitute Plaintiff-Decedent within the time allowed by Federal Rule of Civil Procedure 25(a), the Court should dismiss the action. *Id.* In its Order Granting Stipulated Motion to Stay Proceedings, the Court confirmed that it would dismiss the action if Plaintiff's counsel did not move to substitute Plaintiff-Decedent by November 9, 2020, ninety days after Plaintiff's counsel filed the Suggestion of Death. ECF No. 67. Plaintiff's counsel has not moved to


1 substitute Plaintiff-Decedent.

2 Accordingly, **IT IS HEREBY ORDERED:**

- 3 **1.** All claims are **DISMISSED WITHOUT PREJUDICE**, with all  
4 parties to bear their own costs and attorney fees.
- 5 **2.** All pending motions are **DENIED AS MOOT**.
- 6 **3.** All hearings and other deadlines are **STRICKEN**.
- 7 **4.** The Clerk's Office is directed to **CLOSE** this file.

8 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
9 and provide copies to all counsel.

10 **DATED** this 12<sup>th</sup> day of November 2020.

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12 SALVADOR MENDOZA, JR.  
13 United States District Judge  
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